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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

ETSU OSHIMA, ET AL.

Serial No.: 07/020,900

Filed: March 2, 1987

For: DIBENZ [b,e] OXEPIN
DERIVATIVE

) Examiner: R. Raymond

) Group Art Unit: 129

) January 23, 1989

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. §§1.97 and 1.98 and MPEP §§ 609 and 2001.06(a), it is requested that the following disclosures, which were cited during the prosecution of a foreign counterpart application and which are also listed on the attached form PTO-1449, be made of record.

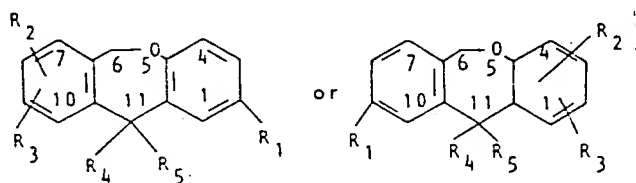
- ✓ 1) EP-A 0 069810
- ✓ 2) GB-A 1,003,950
- ✓ 3) US 3,509,176
- ✓ 4) GB-A 1,018,995

A copy of each of the above references is enclosed for the Examiner's convenience.

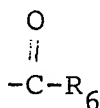
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EP-A 0069 810, filed July 9, 1981, published January 19, 1983 and assigned to Merck & Co., Inc. relates to dibenzoxepins, their preparation, compositions containing same and their use in the treatment of allergies. Disclosed are 6, 11-dihydrodibenz (b,e) oxepins of the formula:



in which R_2 and R_3 are hydrogen, halogen, CF_3 or various N-, O- or S- attached substituents; R_4 is hydrogen or various N-, O- or S- attached substituents and R_5 is hydrogen or C_{1-4} alkyl, or R_4 and R_5 are together oxo, methylene or aryl-substituted methylene; and R_1 is 5-tetrazolyl, 3-hydroxyl-1,2,5-thiadiazol-4-yl, 4-hydroxy- Δ^3 -pyrroline-2,5-dione-3-yl or

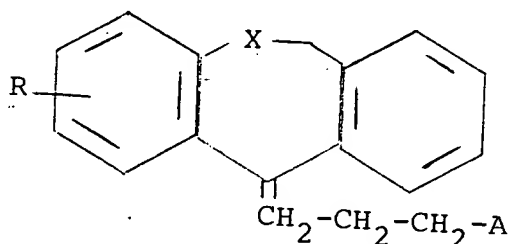


where R_6 is certain O- or N- attached residues, including hydroxy and 2-imino-3-methylthiazolidine. The compounds are said to be useful in treating disease, particularly allergic diseases such as asthma. To this end they may be made up into pharmaceutical compositions.

The compounds are made by various routes, depending on the nature of the substituents.

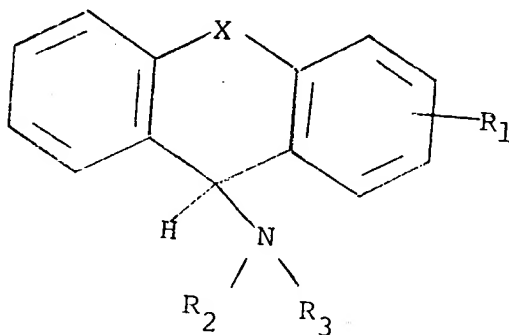
Compounds of this class have been previously considered by the Examiner for example as disclosed in U.S. Patent 4,282,365 already of record.

GB-A 1,003,950, filed July 8, 1964, published September 8, 1965 and assigned to Boehringer & Soehne GmbH. relates to certain basic dibenzo (b,e) oxepins and thiepins and to methods for their preparation. Disclosed are derivatives of the formula:

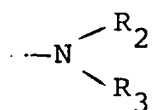


in which X is an oxygen or sulfur atom, R is hydrogen or halogen or an alkyl or alkoxy radical and A is a tertiary amino group and their acid addition salts.

U.S. Patent 3,509,176, filed March 23, 1967, issued April 28, 1970 and assigned to Boehringer & Soehne GmbH. relates to dibenzo-oxepin derivatives having the formula:

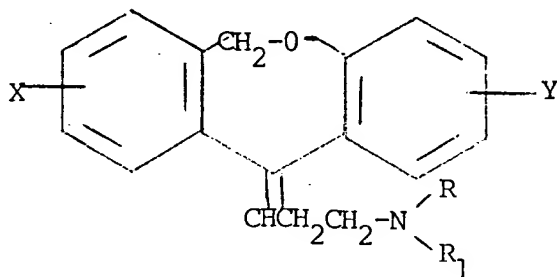


wherein X is an oxymethylene group, R_1 is hydrogen or halogen, or a lower alkyl, alkoxy, trifluoromethyl, or alkylmercapto group and R_2 and R_3 , which may be the same or different, are members of the group of hydrogen, alkyl, alkenyl, hydroxalkyl, alkoxyalkyl and acyloxyalkyl and groups in which



represent heterocyclic groups formed by joining R_2 and R_3 so that the nitrogen becomes part of the ring including the pyrrolidino, piperidine, morpholino, piperazino groups and such groups substituted by alkyl, alkoxy, alkoxyalkyl, acyloxyalkyl, aryl, aralkyl group. The compounds are said to exhibit muscle-relaxing, tranqillyzing and anti-convulsant activities.

GB 1,018,995, filed January 14, 1963, published February 2, 1966 and assigned to Chas. Pfizer & Co., Inc. relates to cis or trans isomers of an isomeric mixture of compounds of the formula:

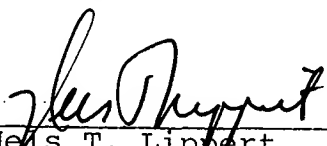


wherein X and Y are each hydrogen, lower alkyl, lower alkoxy, lower alkylthio, chlors, fluoro, trifluoromethyl, lower acyl or lower dialkylsulfonamide, R is hydrogen or methyl and R₁ is lower alkyl, lower alkenyl or lower cycloalkyl, "lower" being defined as containing from 1-4 carbon atoms. The compounds are said to be useful for the chemotherapy of mental disease, especially depressed states. This patent is a cognate of U.S. Patent 3,420,851 already of record.

Finally, as can be seen from the European search report, a copy of which is enclosed, four other references were also cited. These have not been included because EP-A 0130,555 and EP-A 0038 564 are cognates of U.S. Patents 4,596,804, 4,396,550 and 4,465,835 already of record, the Journal of Medicinal Chemistry article is also already of record and EP-A 0188 802 was published after the effective filing date of the subject application.

Entry hereof is respectfully requested.

Respectfully submitted,

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